

**§ 1021.103 Adoption of CEQ NEPA regulations.**

DOE adopts the regulations for implementing NEPA published by CEQ at 40 CFR parts 1500 through 1508.

**§ 1021.104 Definitions.**

(a) The definitions set forth in 40 CFR part 1508 are referenced and used in this part.

(b) In addition to the terms defined in 40 CFR part 1508, the following definitions apply to this part:

*Action* means a project, program, plan, or policy, as discussed at 40 CFR 1508.18, that is subject to DOE's control and responsibility. Not included within this definition are purely ministerial actions with regard to which DOE has no discretion. For example, ministerial actions to implement congressionally mandated funding for actions not proposed by DOE and as to which DOE has no discretion (i.e., statutorily mandated, congressionally initiated "passthroughs").

*Advance NOI* means a formal public notice of DOE's intent to prepare an EIS, which is published in advance of an NOI in order to facilitate public involvement in the NEPA process.

*American Indian tribe* means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska native entity, which is recognized as eligible for the special programs or services provided by the United States because of their status as Indians.

*Categorical exclusion* means a category of actions, as defined at 40 CFR 1508.4 and listed in appendix A or B to subpart D of this part, for which neither an EA nor an EIS is normally required.

*CEQ* means the Council on Environmental Quality as defined at 40 CFR 1508.6.

*CEQ Regulations* means the regulations issued by CEQ (40 CFR parts 1500–1508) to implement the procedural provisions of NEPA.

*CERCLA-excluded petroleum and natural gas products* means petroleum, including crude oil or any fraction thereof, that is not otherwise specifically listed or designated as a hazardous substance under section 101(14) of the Comprehensive Environmental Response,

Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601.101(14)) and natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or of pipeline quality (or mixtures of natural gas and such synthetic gas).

*Contaminant* means a substance identified within the definition of contaminant in section 101(33) of CERCLA (42 U.S.C. 9601.101(33)).

*Day* means a calendar day.

*DOE* means the U.S. Department of Energy.

*DOE proposal* (or *proposal*) means a proposal, as discussed at 40 CFR 1508.23 (whether initiated by DOE, another Federal agency, or an applicant), for an action, if the proposal requires a DOE decision.

*EA* means an environmental assessment as defined at 40 CFR 1508.9.

*EIS* means an environmental impact statement as defined at 40 CFR 1508.11, or, unless this part specifically provides otherwise, a Supplemental EIS.

*EPA* means the U.S. Environmental Protection Agency.

*FONSI* means a Finding of No Significant Impact as defined at 40 CFR 1508.13.

*Hazardous substance* means a substance identified within the definition of hazardous substances in section 101(14) of CERCLA (42 U.S.C. 9601.101(14)). Radionuclides are hazardous substances through their listing under section 112 of the Clean Air Act (42 U.S.C. 7412) (40 CFR part 61, subpart H).

*Host state* means a state within whose boundaries DOE proposes an action at an existing facility or construction or operation of a new facility.

*Host tribe* means an American Indian tribe within whose tribal lands DOE proposes an action at an existing facility or construction or operation of a new facility. For purposes of this definition, *tribal lands* means the area of "Indian country," as defined in 18 U.S.C. 1151, that is under the tribe's jurisdiction. That section defines Indian country as:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any